

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Omar Alexsan CHIA-Ochoa,

Defendant

Magistrate Docket No.

2008 FEB 12 PM 12:21
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 04 03

COMPLAINT FOR VIOLATION OF:


DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **February 11, 2008** within the Southern District of California, defendant, **Omar Alexsan CHIA-Ochoa**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF FEBRUARY
2008


Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

On February 11, 2008, Border Patrol Agent D. Tobin was assigned to foot-patrol duties at the Imperial Beach Border Patrol Station area of operations. At approximately 1:00 a.m., Agent Tobin responded to a report from a thermal scope operator that two individuals were walking north from the border fence in an area known as "Goat Canyon". This area is approximately five miles west of the San Ysidro, California Port of Entry and 150 yards north of the United States/Mexico International Border. Upon arriving to the area, Agent Tobin found fresh footprints for the individuals heading north from the border fence. Agent Tobin followed the footprints and at approximately 1:15 a.m. he encountered two individuals attempting to conceal themselves in some thick brush in the "Goat Canyon" area. Agent Tobin identified himself as a United States Border Patrol Agent in the English and Spanish language. Agent Tobin then questioned each individual as to his citizenship and immigration status. Both subjects including one later identified as the defendant **Omar Alexsan CHIA-Ochoa** admitted to being a citizens and Nationals of Mexico without immigration documents that would allow them to enter or remain in the United States legally. Both subjects were arrested and transported to the Imperial Beach Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 8, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights which he stated he understood and was willing to make a statement without an attorney present. He admits to being a citizen and national of Mexico without any immigration documents to be in or remain in the United States legally. He also stated his intended destination was Los Angeles, California.